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SUBJECT: UNHCHR HIGHLIGHTS COLOMBIAN PROGRESS/CHALLENGES IN
PROTECTING HUMAN RIGHTS

REF: 08 BOGOTA 4165

Summary

1. (U) In its draft annual report on human rights, the United Nations High Commissioner for Human Rights (UNHCHR) highlights GOC efforts to ensure human rights protections including: implementation of new policies to reduce extrajudicial executions, a focus on victims' rights concerns in public discourse, the exhumation of common graves and identification of victims, and the transfer of human rights cases from military to civilian courts. Still, the report identifies areas for improvement and recommends next steps for the GOC including: establishing greater discipline and command and control of military units, implementing a comprehensive response to the growth of illegal armed groups, and accelerating implementation of the Justice and Peace Law process. The GOC's response to the report thanks the UNHCHR for its assessment, reaffirms its commitment to protecting human rights, and commits to addressing the UNHCHR's recommendations. End Summary

Extrajudicial Killings

2. (U) The UNHCHR draft annual report on human rights in Colombia (protect until public release) emphasizes the grave nature of the extrajudicial executions committed by security forces, and notes that the Prosecutor General's (Fiscalia) Human Rights Unit is investigating 716 cases related to over 1,100 victims. The report points out that some military commanders' practice of offering economic incentives and additional leave benefits to soldiers who killed enemy fighters might have led to extrajudicial killings.

3. (U) The report praises GOC efforts to reduce such killings. The report notes the GOC's placement of legal advisors at the battalion level to ensure military operations comply with International Humanitarian Law (IHL); the dismissal of military officials for involvement in extrajudicial executions or for failure to maintain command and control responsibilities; and the reinforcement of the GOC's "zero tolerance" policy for human rights violations. Still, the report maintains the GOC has not yet significantly reduced extrajudicial killings. (UNHCHR participates in a senior Commission set up by the Ministry of Defense in July, 2007 to support investigations and develop policy to deter

extrajudicial killings.)

¶4. (U) In its official response to the report, the GOC stresses its efforts to combat extrajudicial killings, and claims that since October 2008, it has received no new accusations of extrajudicial killings. The response also cites additional measures the GOC has put in place but are not included in the UNHCHR report, including a 150 percent increase in prosecutors in the Fiscalía's Human Rights Unit (20 dedicated solely to extrajudicial killing investigations), the MOD's 15 point plan (reftel) to address extrajudicial killings and human rights issues, and President Uribe's biweekly public accounting of human rights offenses by the military.

Violations of Human Rights and International Humanitarian Law

¶5. (U) UNHCHR strongly condemns the FARC's numerous violations of human rights, including indiscriminate attacks, child recruitment, sexual violence against women, the use of landmines, and taking hostages. The report proposes that the international community consider systemic hostage taking a crime against humanity.

¶6. (U) UNHCHR endorses the Constitutional Court's decision to further restrict the military criminal justice system's jurisdiction in human rights and IHL cases. UNHCHR notes that members of the security forces were implicated in some indiscriminate attacks and cites the bombardment of Paez (Cauca), which caused the displacement of 948 individuals.

Other security forces human rights violations include cases of inhumane treatment and torture. UNHCHR received specific complaints of cases in Antioquia, Cauca, and Choco. During the indigenous movement's November 2008 demonstrations (which turned violent), UNHCHR observed an excessive use of force by the Colombian National Police.

Illegal Armed Groups

¶7. (U) The report calls attention to an increase in the presence of illegal armed groups in areas formerly controlled by the United Self-Defense Forces (AUC). UNHCHR stresses these groups are "far from being structured as military-type organizations" and their "actions appear to correspond to the settling of personal disputes relating to drug-trafficking activities." Still, UNHCHR considers some of the groups in Guaviare, Meta, and Vichada to "act with a political and ideological orientation, similar, if not equal, to the former AUC." UNHCHR calls for a comprehensive GOC response to address the situation. The official GOC response maintains the overriding criminal nature of these groups and affirms its willingness to confront and defeat them.

Justice and Peace Process

¶8. (U) The report applauds the GOC's efforts to increase the prominence of victims' rights to truth, justice, and reparations in the political and public spheres. The report calls the recovery of human remains from clandestine graves one of the most "concrete" results of the Justice and Peace Law (JPL) confessions process. Still, UNHCHR is concerned by the slow pace of the peace process and the low rate of indictments and convictions under the JPL. The report concludes it is "evident that there will be fewer individuals tried" under the JPL than initially estimated. UNHCHR calls on the GOC to review and revise the JPL in order to compel speedy testimony and faster processing time. The report also urges the GOC and USG to ensure continued JPL participation of extradited former-paramilitary leaders.

Human Rights Defenders, Community Leaders, and Unionists at Risk

¶9. (U) UNHCHR commends the Ministry of Interior and Justice's protection program, but underscores that GOC officials' criticism of human rights advocates endangers their physical safety. In Arauca and Norte de Santander, the UNHCHR describes the arbitrary detention of human rights defenders and community leaders, because the Fiscalía issued arrest warrants on questionable legal grounds. UNHCHR argues the basis of these arrest warrants was frequently information from former members of illegal groups, whose testimony is often not credible.

Forced Disappearance

¶10. (U) The draft report calls attention to the problem of forced disappearance, highlighting the fact that the Fiscalía investigated 111 cases in 2008; victims were generally young unemployed men, human rights defenders, or trade union members. UNHCHR contends the GOC pilot programs to address this issue need further attention in order to be effective.

Internally Displaced

¶11. (U) The number of Internally Displaced Persons (IDPs) continued to rise in 2008. The report says indigenous and Afro-Colombian communities are particularly vulnerable to displacement, because they occupy territories of strategic value to drug traffickers and illegal groups.

Millennium Development Goals

¶12. (U) The UNHCHR report contends many Millennium Development Goals lack sufficient progress. The GOC response challenges this claim, citing the UN's Millennium Development website, which places Colombia behind in only one objective by 2010, while the majority of objectives will be between 50 and 80 percent achieved.

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